

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the objections and rejections set forth in the Office Action of June 25, 2008, is respectfully requested for the reasons that follow.

Applicant has amended the status identifier for claim 11 as required by the Examiner.

The Examiner has objected to claims 7 and 8 for failing to provide precise antecedent basis for "the payload". Claims 7 and 8 have been amended to refer to "a payload" thereby overcoming the Examiner's objections.

Claims 6, 12 and 13 have been rejected under 35 U.S.C. § 103 as unpatentable over Hulbert (US 2,955,780) in view of Piasecki (US 3,184,183) for the reasons stated on pages 2-4 of the Official Action.

By this Amendment, the single independent claim 6 has been amended to require a plurality of transversely-spaced vanes extending across an inlet side of each lift producing propeller on each side of, and substantially parallel to, the longitudinal axis of the vehicle.

Thus, claim 6 has been amended to substantially incorporate the limitations of dependent claim 12 but with some further limiting language with respect to the fact that the vanes are located on each side and substantially parallel to the longitudinal axis of the vehicle. In applying the prior art to dependent claim 12, the Examiner took the position that Hulbert, as modified by Piasecki, discloses a plurality of vanes extending across the inlet side of each propeller substantially parallel to the longitudinal axis, referring to two stator vanes 22 parallel with longitudinal axis per fan. According to the Examiner, the vanes 22 are also located on either side of the longitudinal axis due to the width of the stators, i.e., portions of the stators lie on either side of the axis.

With reference to Figure 2 of Hulbert, it is readily apparent that there are only two vanes per fan located on the longitudinal axis of the vehicle. The Examiner's interpretation of Hulbert suggesting that vanes lie on either side of the longitudinal axis, but extending parallel to that axis, in light of the thickness of the vanes located on that axis, is clearly unreasonably strained. In any event, the claim as amended requires a plurality of transversely spaced vanes on each side of the longitudinal axis, and also extending substantially parallel to the longitudinal axis. Even given the Examiner's unreasonable interpretation of the disclosure of Hulbert, it is readily apparent that the reference neither discloses nor suggests the subject matter added to claim 6 by amendment.

Dependent claim 13 is patentable by reason of its dependence upon claim 6.

The Examiner has also rejected claims 7 and 8 under 35 U.S.C. § 103 as unpatentable over Hulbert in view of Piasecki as applied to claim 6 and further in view of Bucher (US 6,254,032). The tertiary reference to Bucher is cited as teaching the specific payload limitations in dependent claims 7 and 8. However, Bucher fails to remedy the deficiencies to the base combination of Hulbert and Piasecki as discussed hereinabove. In this regard, claims 7 and 8 depend from claim 6 and are therefore patentable along with claim 6.

The Examiner has also rejected independent claim 6 under 35 U.S.C. § 103 as unpatentable over Piasecki in view of Hulbert, for the reasons stated on pages 5 and 6 of the application.

Since claim 6 has been amended to incorporate the subject matter of dependent claim 12, the rejection of claim 6 on the basis of Piasecki and Hulbert is no longer applicable.

The Examiner has rejected claim 11 under 35 U.S.C. § 103 as unpatentable over Piasecki in view of Hulbert and further in view of Illingworth. Illingworth is cited as teaching a flexible

skirt about the vehicle. Here again, claim 11 depends from independent claim 6 and is patentable for the reasons stated hereinabove noting that Illingworth also fails to remedy the deficiencies of the base combination of Piasecki and Hulbert with respect to the requirement in independent claim 6 for the plurality of transversely spaced vanes extending across an inlet side of each lift producing propeller on each side of, and substantially parallel to, the longitudinal axis of the vehicle.

Dependent claim 9 has been rejected under 35 U.S.C. § 103 as unpatentable over Hulbert in view of Piasecki or vice-versa.

Claim 9 is patentable by reason of its dependence upon claim 6 for the reasons stated hereinabove.

The Examiner has also rejected claim 10 under 35 U.S.C. § 103 as unpatentable over Hulbert in view of Piasecki, or vice-versa, and further in view of the DeLorean DMC-12 vehicle. The latter reference has been cited for teaching a cover for a payload bay (a seating area) hinging on the far side from the opening of the payload bay.

Since DeLorean also fails to remedy the deficiency in the base combination of Hulbert and Piasecki for the reasons stated above, the rejection of claim 10 is improper, and that claim is patentable by reasons of its dependence upon independent claim 6, as amended.

The application is now in condition for allowance, and early passage to issue is respectfully requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

YOELI  
Appl. No. 10/523,609

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Michael J. Keenan

Reg. No. 32,106

MJK:rrr  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100